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FOR THE COURT

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*Attorneys for Plaintiff*

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

DANIEL DONOHUE, individually and on  
behalf of all others similarly situated,

Plaintiff,

v.

APPLE INC.,

Defendant.

Case No. 5:11-cv-05337 RMW

**CLASS ACTION**

**JOINT STIPULATION REGARDING  
BRIEFING AND HEARING SCHEDULE OF  
DEFENDANT'S REQUEST FOR JUDICIAL  
NOTICE; [] ORDER**

Judge: Hon. Ronald M. Whyte

1 By this Stipulated Request, the parties respectfully request that the Court enter an order  
2 setting the briefing and hearing schedule on Defendant's Request for Judicial Notice such that the  
3 briefing schedule is identical to the briefing schedule for the hearing on Defendant's Motion to  
4 Dismiss to which the Request for Judicial Notice relates;

5 WHEREAS Plaintiff filed its First Amended Complaint on February 21, 2012 [D.E. #31];

6 WHEREAS Defendant filed a Motion to Dismiss the First Amended Complaint on March  
7 8, 2012 [D.E. #33];

8 WHEREAS the parties filed a Joint Stipulation Regarding the Briefing and Hearing  
9 Schedule of Defendant's Motion to Dismiss [D.E. #35], whereby, as proposed: Plaintiff's  
10 deadline to file and serve his opposition to Defendant's Motion to Dismiss shall be April 5, 2012;  
11 Defendant's deadline to file and serve its reply brief shall be April 20, 2012; and the Motion shall  
12 be heard on May 4, 2012 at 9 a.m;

13 WHEREAS on March 8, 2012, Defendant filed its Request for Judicial Notice [D.E. #34],  
14 which relates to Defendant's Motion to Dismiss; and

15 WHEREAS the parties have conferred and agreed that the briefing schedule for the  
16 Request for Judicial Notice should be commensurate with the stipulated briefing schedule for the  
17 Motion to Dismiss.

18 NOW, THEREFORE, THE PARTIES HEREBY STIPULATE AND AGREE as follows:

19 1. Plaintiff's deadline to file and serve his opposition to Defendant's Request for  
20 Judicial Notice shall be April 5, 2012.

21 2. Defendant's deadline to file and serve its reply brief in support thereof shall be  
22 April 20, 2012.

23 3. The Request for Judicial Notice shall be heard along with the Defendant's motion  
24 to dismiss on May 4, 2012, at 9 a.m.

25 IT IS SO STIPULATED.  
26  
27  
28

1 Dated: March 13, 2012

PENELOPE A. PREOVOLOS  
STUART C. PLUNKETT  
SUZANNA P. BRICKMAN  
MORRISON & FOERSTER LLP

2  
3  
4  
5 By: /s/ Stuart C. Plunkett  
Stuart C. Plunkett

6 *Attorneys for Defendant*  
7 APPLE INC.

8 Dated: March 13, 2012

MARK BULGARELLI (*Pro Hac Vice*)  
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10 KATHRYN DIEMER  
11 DIEMER, WHITMER & CARDOSI LLP

12  
13 By: /s/ Alex Stepick  
Alex Stepick


14 *Attorneys for Plaintiff*  
15 DANIEL DONOHUE

16  
17 I, Alex Stepick, am the ECF User whose ID and password are being used to file this  
18 Stipulation. In compliance with General Order 45, section X.B., I hereby attest that I have on file  
19 the concurrences for any signatures indicated by a "conformed" signature (/s/) within this efiled  
20 document.

21 By: /s/ Alex Stepick  
Alex Stepick

22  
23 PURSUANT TO STIPULATION, IT IS SO ORDERED.

24  
25 Dated: March FJ, 2012

  
The Honorable Ronald M. Whyte  
Senior United States District Judge